

**REMARKS**

**Status of the Application**

Claims 1-8 and 10-29 are pending. Claims 1-25 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Claims 1-8 and 10-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kobori (US Patent 6,327,554) in view of Oda et al. (US Patent Publication 2002/0180348).

Please note that claims 26-29 are withdrawn from consideration due to the constructive election of claims 1-8 and 10-25. Specifically, claims 26-29 are directed toward an organic EL element, which the Examiner alleges is a non-elected invention under 37 C.F.R. § 1.142(b) and MPEP §821.03.

By this Amendment, Applicants hereby cancel claims 1-8 and 10-25, and amend claims 26-29 in order to make claims 26-29 consistent with the currently elected invention. Therefore, Applicants respectfully request that claims 26-29 be rejoined to the application and considered on the merits.

**Claim Rejections - 35 U.S.C. § 112**

*Claims 1-25 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.*

Claims 1-8 and 10-25 are hereby canceled, rendering the instant rejection moot. Withdrawal of the rejection is respectfully requested.

**Claim Rejections - 35 U.S.C. § 103**

*Claims 1-8 and 10-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kobori (US Patent 6,327,554) in view of Oda et al. (US Patent Publication 2002/0180348).*

Claims 1-8 and 10-25 are hereby canceled, rendering the instant rejection moot.

Withdrawal of the rejection is respectfully requested.

Claim 26 recites, in part, “wherein said color separation filter is selected so that, when white light is emitted from said light-emitting portion, a minimum value of a spectral product obtained from a light-emission waveform of the white light and a spectral transmittance of said color-separation filter is equal to or less than 50% of a maximum value thereof.” Claims 27-29 recite similar features. Applicants submit that claims 26-29 are patentable for the following reasons.

With respect to now canceled claim 1, Applicants submitted in the Pre-Appeal Brief Request for Review dated February 6, 2008:

*the Examiner has not noted a correlation between the minimum light-emission value and the spectra and luminance disclosed in FIGS. 12-21. Rather, the Examiner alleges that FIG. 12-21 show the effectiveness of spectral luminance based on the [individual] wavelengths and the thickness. However, while FIGS. 12-21 show [individual wavelength] emission spectrums at different ITO film thicknesses, the Examiner still provides no indication (or support) of how these emission spectrums relate an emission value comparable to a maximum emission value when white light is emitted. Therefore the Examiner has not provided a prima facie case of obviousness with regard to claim 1. Currently, as there is no correlation, express or inherent, the citations of FIGS. 12-21 are irrelevant to the claims. (emphases added).*

Further, the citation given by the Examiner in support of the obviousness rejection does not support the Examiner’s rejection. The Examiner’s reliance on *In re Boesch* indicates that the Examiner is alleging that the minimum light-emission value recited in claim 1 is an optimum value. However, the Examiner has not provided support indicating that the recited minimum light-emission value is an optimum value of a result effective variable. Rather, the recited minimum light-emission value is nothing more than that, a minimum value. The Examiner has provided no support for the contention that the recited minimum value is an optimal value. Thus, Applicant submits that the Examiner has failed to provide a prima facie case of obviousness, as the motivation based on *In re Boesch* is insufficient without further support.

The maximum light-emission value as recited in claim 1 corresponds to a peak portion of the light-emission spectrum and the minimum light-emission value corresponds to a valley portion of the light-emission spectrum in proximity to the peak portion. Figs. 12-21 of Kobori fail to include the concept of the minimum light-emission value (valley) as recited in claim 1, and as a matter of course, fail to include the concept of the minimum light-emission value being equal to or less than 50% of the maximum light-emission value when white light is emitted from the light-emitting portion. The "maximum light-emission value" and the "minimum light-emission value" are not simple maximum value and minimum value as may be construed by the Examiner, but the values at the peak portion and the valley portion near the peak portion. Figs. 12-21 of Kobori do not include the concept of peak (maximum light-emission value) and valley (minimum light emission value).

As noted in the Response to Arguments found on pages 11 and 12 of the instant Office Action with respect to claim now canceled claim 1, the Examiner still fails to provide the necessary support to indicate that Kobori discloses the minimum light-emission value recited in current claims 26-29, and claims 26-29 are patentable over the applied art.

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)  
U.S. Application No.: 10/667,368

Attorney Docket No.: Q75436

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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